

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

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)

Truth-in-Billing

)

CC Docket No. 98-170

and

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Billing Format

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**COMMENTS OF CINCINNATI BELL TELEPHONE COMPANY ON WAIVER
PETITIONS**

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September 2, 1999

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These comments are submitted on behalf of Cincinnati Bell Telephone Company (“CBT”), an independent, mid-size local exchange carrier in response to the Commission’s August 13, 1999 Public Notice in the above-captioned proceeding.¹

INTRODUCTION

The Commission seeks comment on several petitions for waiver, stay, and other forms of relief from the guidelines adopted in the Truth-in-Billing Order. Generally, the petitioners seek relief from September 6, 1999 effective date of the Order pending the Commission’s reconsideration of the Order’s billing requirements. Herein, CBT supports those petitioners who request relief with regard to the so-called “highlighting” requirement set forth in the Order. Specifically, CBT supports the Petition for an Expedited Waiver or Stay filed by the United States Telephone Association (“USTA”) on July 16, 1999. CBT also supports Ameritech’s

¹ Truth-in-Billing and Billing Format, First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 98-170 (rel. May 11, 1999) (“Order”).

request for clarification that the new billing rules do not apply to custom and complex billings to business customers.²

DISCUSSION

CBT urges the Commission to grant USTA's Petition for an Expedited Waiver or Stay ("USTA Petition"). As explained there and below, it would be impossible for CBT to comply with "new service provider" or "highlighting" rule by the September 6, 1999 effective date of the Order.

First, CBT cannot comply with the "new service provider" rule as written and interpreted by Commission staff by September 6.³ CBT does not currently have the capability to provide "stare and compare" billings so as to literally highlight the presence of "any provider that did not bill for services on the previous billing statement." Like other carriers who have identified this difficulty, CBT would have to create a new database in order to comply with the rule as written and interpreted. Creating such a database would be both time consuming and labor intensive and could not possibly be completed by September 6. CBT agrees with USTA and others who have stated that creating such a database could take months to accomplish and would have to be performed by the same personnel currently engaged in ensuring Y2K compliance and other necessary billing system changes.⁴

² Petition for a Stay, And Clarification or Reconsideration filed by Ameritech on July 26, 1999 ("Ameritech Petition").

³ As U S West explained at page 5 of its Petition for Relief from Two Truth-in-Billing mandates Pending Conclusion of Reconsideration Process ("U S West Petition"), Commission staff has indicated that certain forms of carrier identification on a bill, e.g. a summary of charges or index of service providers, will not constitute compliance with rule 64.2001(a)(2).

⁴ See e.g., USTA Petition at 4-5; Ameritech Petition at 3; U S West Petition at 3 and 9.

Second, given the length of time necessary to create and adequately test a new “stare and compare” database, the Commission should waive the highlighting requirement. In the alternative, if the Commission will not waive the requirement, the Commission should stay the September 6 effective date at least until after the first quarter of 2000. As the Commission is well aware, most major telephone companies, including CBT, will implement a freeze on all computer software changes for the period beginning approximately November 1, 1999 and ending March 1, 2000. As noted in its letter to the Commission and attached hereto as Attachment 1, the moratorium will allow CBT to enter the year 2000 with a stable systems environment that has undergone final Y2K testing. Given the importance of ensuring the industry’s seamless transition into the new millennium, the Commission should not impose new billing requirements that may compromise Y2K readiness.

Third, even if possible, creating a new database with stare and compare capability would be extremely expensive to accomplish and is likely to be of limited (if any) benefit to customers. In the very least, the cost of complying with the rule as written substantially outweighs the perceived benefit to customers. CBT estimates that it would cost the company a *minimum* of \$500,000 or approximately 50 cents per access line to create a database capable of “stare and compare” billing.⁵ As suggested by USTA, such expenditure may only serve to create greater customer confusion if, for example, a customer’s bill “highlights” a carrier with which the customer has an on-going relationship but which did not bill charges on the previous month’s statement.⁶ CBT agrees with Sprint that “it does not appear that the Commission has properly

⁵ This cost figure is based solely upon the informal estimate of CBT’s subject matter experts.

⁶ USTA Petition at 7, fn. 14. See also Sprint Petition at 12-13.

evaluated the effect of certain of its rules (including the identification of ‘new’ service providers...) in terms of whether they will, in fact, benefit the public.”⁷

CBT agrees with USTA and Ameritech who posit that the Commission should amend its definition of “new service provider” in order for the proposed rule to function as intended.⁸ If the Commission redefines “new service provider” as any provider “that has not submitted any charges to be billed to the customer in the last six months,”⁹ the provider will know when it is “new.” The provider can then inform the billing entity that it should be identified as such on the customer’s bill. Although this rule would require the industry to change its exchange message interface (“EMI”) billing record standard,¹⁰ a process which could take many months, CBT agrees with Ameritech that the amended definition would serve to “avoid the need for billing entities to develop expensive special bill history databases.”¹¹

Finally, CBT supports Ameritech’s request that the Commission clarify that the billing requirements set forth in the Truth-in-Billing Order do not apply to custom and complex billings for business customers.¹² As Ameritech stated in its petition, the application of these rules to the billings for large business customers is both unnecessary and undesirable. CBT serves many large corporations—Proctor & Gamble, American Financial, and General Electric, to name a

⁷ Petition for Stay or Waiver and Partial Clarification filed by Sprint Corporation on July 26, 1999 (“Sprint Petition”), at 8-9.

⁸ USTA Petition at 2-3; Ameritech Petition at 7-8.

⁹ USTA Petition at 3.

¹⁰ See USTA’s Comments Regarding OMB Control No. 3060-0854 filed August 24, 1999, at 7-8.

¹¹ Ameritech Petition at 7-8.

¹² *Id.* at 8.

few—with whom it has contracted for individualized billing arrangements. The bills CBT generates for these companies are designed to provide the information the companies need for their internal accounting procedures. Again, as noted by Ameritech, these companies “do not need or want the protection offered by the Commission’s new rules.”¹³

Should the Commission grant the petitioners’ requests for relief and waive or stay the Truth-in-Billing requirements, CBT will continue the following billing practices: itemizing all charges, identifying service providers both “new” and old, and proving a summary of charges by service provider in the form of an index on the first bill page. Thus, while CBT cannot literally “highlight” new service providers at this time, CBT can continue to meet the principles of Truth-in-Billing to the benefit of its customers.

CONCLUSION

The Commission should grant the USTA Petition given the inability of carriers to comply with the requirements of the Truth-in-Billing Order by the September 6, 1999 effective date. Moreover, in reviewing these petitions, CBT urges the Commission to give greater consideration to the expense carriers will realize in complying with the new billing requirements in light of the speculative benefit to consumers.

¹³ Id.

Respectfully submitted,

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Dated: September 2, 1999